

A pluralist framework for marriage regulation

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In this article I offer a novel liberal model, founded on the pluralist constitutional theory that underscores the state's obligation to create a range of social institutions that afford meaningful familial choices to individuals. Under the pluralist approach, the liberal state should positively encourage diversity and strengthen autonomy by recognizing and designing new spousal institutions beyond the existing menus. The regulations of such institutions should follow three cornerstones: substantive freedom of choice; tolerance of different lifestyles limited by state responsibility to prevent exploitation and subordinations; and right of exit. In this part I will use the pluralist approach to shed new light on three controversial topics: same-sex marriage and civil unions; covenant marriage; and secular regulation of religious marriage.